IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 5 of 2003

SAMSHAD
V/S
NASEER MOHD. & ORS

Mr. RANJEET JOSHI, for the appellant / petitioner

Mr. DAYARAM CHOUDHARY & Mr. MANOJ JOSHI, for the respondent

Date of Order : 3.11.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

It was contended that one of the plaintiffs had died in 1991, and his legal representatives has not been brought on record, therefore, the decree could not be passed. In my view, as a matter of fact the decree has been passed in favour of a dead person, and not against dead person, and the learned counsel could not satisfy as to whether the decree cannot be passed in favour of dead person. Therefore, this contention does not hold good.

The appeal thus does not involve any substantial question of law. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

/Sushil/